

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

JUDGE - John B. Jones  
CASE NO. - CR10-40047-01

REPORTER - Jill Connelly/FTR #1  
Date - 2/23/11  
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CASE

USA,

Plaintiff,

vs.

GUILLERMO ORTIZ, a/k/a "Memo",

Defendant.

COUNSEL

John Haak

Clint Sargent

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COURTROOM DEPUTY: Jackie Meisenheimer

TIME HEARING SCHEDULED TO BEGIN: 2:00 p.m.

TIME:

2:00 pm

Enter sentencing before the Hon. John B. Jones, Senior Judge, Sioux Falls.  
Counsel state their appearances for the record. Defendant is present in court.

Javier Villalobos, federally certified Spanish interpreter, is sworn by the  
courtroom deputy.

Defendant has filed objections to the PSR. Court will sentence defendant only  
on the 500 grams as contained in the Indictment.

Mr. Haak agrees with the computations set out in PSR and requests the Court  
find a level 36 pursuant to trial testimony.

Total Offense Level is 36, Criminal History Category is I

Mr. Sargent makes statement re: sentencing and requests the Court for a variance  
downward.

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Mr. Haak makes statement re: sentencing and requests a sentence within the guideline range and greater than was imposed for the lower level defendants if the Court decides to grant the variance.

Court finds offense level of 36 is appropriate and Court will adhere to that level.

Court has read the letter written to him by defendant. Defendant makes additional statement re: sentencing.

Sentence: 188 months imprisonment; term of imprisonment shall run concurrently with term of imprisonment pursuant to judgment in docket number CR06-0078 in Minnehaha County Circuit Court; \$750 fine which includes costs of incarceration; payment of total fine and other criminal monetary penalties due in regular quarterly installments of \$25 or 25% of deposits in defendant's inmate trust account whichever is greater while in custody; any portion of monetary obligation not paid in full prior to defendant's release due in monthly installments of \$100 to begin 60 days following release; refrain from unlawful use of controlled substance; submit to one drug test within 15 days of release and at least two periodic drug tests thereafter as directed by probation; cooperate in collection of DNA; supervised release for 5 years; within 72 hours of release report in person to probation office in district to which released; not commit another federal, state, or local crime; shall not illegally possess a controlled substance nor possess a firearm, destructive device, or other dangerous weapon; shall comply with the standard conditions that have been adopted by this Court; and shall comply with the following special conditions:

1. The defendant shall not consume any alcoholic beverages or intoxicants. Furthermore, the defendant shall not frequent establishments whose primary business is the sale of alcoholic beverages.
2. The defendant shall submit to a warrantless search of his person, residence, place of business, or vehicle, at the discretion of the probation office.
3. While under supervision in the District of South Dakota, the defendant shall participate in the DROPS program as directed by the probation office.
4. The defendant shall participate in a program approved by and at the direction of the probation office for treatment of substance abuse.
5. The defendant shall reside and participate in a residential reentry center as directed by the probation office. The defendant shall be classified as a prerelease case.

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6. The defendant shall submit a sample of his blood, breath, or urine at the discretion or upon the request of the probation office.

7. The defendant shall participate in and complete a cognitive behavioral training program as directed by the probation office.

8. The defendant shall pay the fine as ordered by the Court.

\$100 special assessment

Court notifies parties of their appeal rights.

2:20 pm      Court in recess.